

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF ALASKA

N.S. by and through  
His parents, J.S. and R.S.,

Plaintiffs,

vs.

Anchorage School District,

Defendant.

Case No. 3:05-cv-0177 (TMB)

**[Proposed] ORDER DENYING MOTION TO STRIKE**

Sonja Kerr, counsel for the plaintiffs in this matter, pursuant to Rule 12(f) FRCP filed a Motion to Strike portions of the pleadings submitted by defendant Anchorage School District, in response to the Motion to Intervene by Disability Law Center of Alaska, which request the court to limit the participation of the parents in this matter involving an award of attorney's fees to a role of monitoring the proceedings. However, this motion provides no analysis of the basis nor any proper authority for striking these pleadings under Rule 12(f). After review, it appears to the court that the motion was filed as a "dilatory or harassing tactic" rather than for any justifiable or good faith reason. Accordingly,

IT IS HEREBY ORDERED that the Motion to Strike filed by Counsel Kerr is DENIED.

IT IS FURTHER ORDERED that defendant ASD is entitled to an award of reasonable costs and fees incurred in opposing this motion. Therefore, ASD shall submit to the court within ten days of this Order any request for an award of the fees and costs it incurred in opposing this unwarranted motion.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Timothy M. Burgess  
U.S. District Judge